

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 16 March 2005

Division: Growth Management

Bulk Item: Yes X No

Department: Marine Resources

AGENDA ITEM WORDING:

Approval to advertise an Ordinance amending Section 5.5-17 Monroe County Code to provide clarity and specificity to the existing ordinance requiring the maintenance of overhanging shoreline vegetation on manmade waterbodies.

ITEM BACKGROUND:

Recently the specificity of Section 5.5-17 Monroe County Code has come into question concerning what constitutes a navigational obstruction thus requiring a property owner to trim vegetation along his/her shoreline. The attached amendment to the ordinance provides additional specificity adopting a standard which would allow vegetation to extend up to 10 % of the perpendicular width of a manmade waterbody. The revision will provide Code Enforcement officers with a tool allowing them to measure the degree of any potential navigational obstruction. The revision will also help minimize frivolous code cases.

PREVIOUS RELEVANT BOCC ACTION:

2001 – Adoption of the trimming ordinance

May 2003 – ordinance amendment

CONTRACT/AGREEMENT CHANGES:

NA

STAFF RECOMMENDATIONS:

Approval

TOTAL COST: None

BUDGETED: Yes No

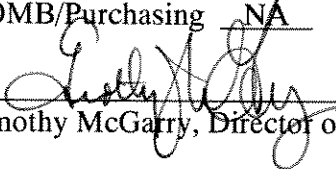
COST TO COUNTY: None

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No X AMOUNT Per Month Year

APPROVED BY: County Atty X OMB/Purchasing NA Risk Management NA

DIVISION DIRECTOR APPROVAL:


Timothy McGarry, Director of Growth Management

DOCUMENTATION: Included X Not Required

DISPOSITION:

AGENDA ITEM NO.:

ORDINANCE NO. _____ - 2005

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AMENDING SECTION 5.5-17, MONROE COUNTY CODE, IN ORDER TO PROVIDE GREATER SPECIFICITY CONCERNING THE REQUIRED MAINTENANCE OF TREES WHICH EXTEND OVER A MAN-MADE WATER BODY AS DEFINED; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the intent of Monroe County to provide clear, concise, and easily interpretable ordinances to the public, and

WHEREAS, Section 5.5-17 Monroe County Code regarding the required maintenance of trees extending from the shoreline over a manmade water body, lacks specificity as to how far trees or other vegetation may extend over water before constituting an obstruction to navigation, now, therefore,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. Sec. 5.5-17 (b), Monroe County Code, is hereby amended to add the following language:

(b) Prohibition on causing or permitting trees to interfere with vessels upon any man-made waterbody. No real property owner may cause, suffer, or permit a tree, trees or other vegetation, to grow, or otherwise extend, from his or her real property into or over a man-made water body in such a way or manner as to constitute a navigational hazard to, or to interfere with, vessels engaged in a journey or ride upon the man-made water body. It shall be presumed that vegetation extending from the shoreline of a manmade water body beyond the approximate mean low water mark by more than ten percent (10 %) of the overall perpendicular width of the water body at the point of measurement constitutes a navigational hazard. This presumption is aligned with the permitted limits for the construction of docking facilities in the land development regulations.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 4. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment

thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 5. This ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of the State of Florida that this ordinance has been filed with said Office.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the _____ day of _____, 2005.

Mayor Spehar
Mayor Pro Tem McCoy
Commissioner Neugent
Commissioner Rice
Commissioner Nelson

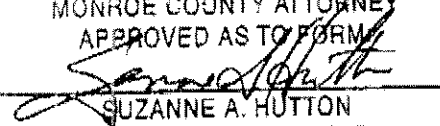
(SEAL)
Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Deputy Clerk

By _____
Mayor/Chairperson

Jordcanal.tress

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM

SUZANNE A. HUTTON
ASSISTANT COUNTY ATTORNEY
Date 2/25/05